

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4252 OF 2005

Pradeep Devidas Malotkar ..Petitioner.

Vs.

The State of Maharashtra & Ors. ..Respondents.

....

Mr.V.V.Pai for the Petitioner.

Mrs.S.S.Bhende, AGP for the State.

....

CORAM : A.P.SHAH &

DR.D.Y.CHANDRACHUD, JJ.

18th August, 2005.

P.C. :

1. Heard counsel for the parties.

2. By order dated 8th March, 2001 passed in Writ Petition No.4672 of 1993, the Division Bench recorded the statement of the Respondents that the Petitioner shall be reinstated in service immediately in the establishment of the District Court, Amravati on the condition that he will not

claim backwages. As far as seniority is concerned, the Division Bench directed that the period of his actual working since the date of his entry into service till his dismissal would be taken into consideration.

3. As far as the superannuation benefits are concerned, Rule 44(2) of Maharashtra Civil Services (Pension) Rules, 1982 reads as follows :

"The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspensin, if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement."

4. Having considered the facts and circumstances of the case, we direct that for the purpose of superannuation benefits, the Petitioner should be treated in continuous service from the date of his entry in service till his superannuation. The Writ Petition is disposed of

accordingly.